

REMARKS

Applicant has carefully reviewed the Office Action mailed July 17, 2007, and thanks Examiner Dass for the detailed review of the pending claims. In response to the Office Action, Applicant has amended claims 1-7. By way of this amendment, no new matter has been added. Accordingly, claims 1-7 remain pending in this application. At least for the reasons set forth below, Applicant respectfully traverses the foregoing rejections. Further, Applicant believes that there are also reasons other than those set forth below why the pending claims are patentable, and reserves the right to set forth those reasons, and to argue for the patentability of claims not explicitly addressed herein, in future papers. Applicant respectfully requests reconsideration of the present application in view of the above amendment, and the following remarks.

Specification

The Specification was objected to under 37 CFR 1.71 as being so incomprehensible as to preclude a reasonable search of the prior art. Applicant respectfully transverses the objection. Further, the Examiner has mentioned some terms such as “changing or erasing”, “invalidation data” and “authentication data” “are not commonly known transaction words.” (Non-Final Office Action, mailed July 17, 2007, page 2, lines 12-14).

Applicant notes that an exemplary meaning of the term “invalidation data” is presented in paragraph [0096] while the term “changing or erasing” has been amended in the claims.

Importantly, the Examiner required election of species of the application between the “1st aspect …in paragraph 07”, the 2nd “aspect …in paragraph 13” and the “3rd through 12th aspects … in paragraphs 17, 31, 39, 43, 48, 52, 54, 58, 61, and 65.” (Restriction Requirement mailed on March 22, 2007). Applicant elected the species of the 1st aspect. (Response dated April 20, 2007). Applicant notes that the 1st aspect, as identified by the Examiner, is also described and further clarified in, at least, paragraphs [0086] to [0136] of the specification. Accordingly, reconsideration and withdrawal of this objection is respectfully requested.

Claim Rejections – 35 U.S.C. § 112

Claims 1-7 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses the rejection.

The Examiner has cited several recitations within the claims that are alleged to be indefinite. These recitations have been amended. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 1-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Postrel* (U.S. 2007/0130011). Applicant respectfully traverses the rejection.

In performing a 35 U.S.C. §103 analysis, it is error to consider “references in less than their entireties, i.e. in disregarding disclosures in the references that diverge from and teach away from the invention at hand.” *W.L. Gore & Associates, Inc. v. Garlock, Inc.* 721 F.2d 1540, 1550, 220 USPQ 303, 311 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984).

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j).

“The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant’s disclosure.” *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Independent claim 1, as amended, positively recites a processor that “generates invalidation data for prohibiting said second user, the usage of the points specified by said second point data.” The Examiner admits that Postrel does not disclose this recitation (Non-Final Office Action, mailed July 17, 2007, page 5, lines 13-18). Further, Postrel merely

discloses a system which consolidates various points obtained from various sources into one server without any teaching of a processor for “prohibiting said second user, the usage of the points,” as recited in independent claim 1.

OFFICIAL NOTICE - CLAIM 1

To the extent the Examiner intends to take Official Notice of known methods to mark a transfer amount on hold (Non-final Office Action mailed July 17, 2007, page 5, line 13 to page 6, line 6), Applicant seasonably requests that the Examiner provide documentary evidence to support the taking of Official Notice as is required by 37 CFR § 1.104(d)(2) and MPEP § 2144.03.

Thus, Postrel does not teach every recitation of independent claim 1, as required in *In re Royka*. Dependent claims 2-7 are also patentable by being dependent on an allowable base claim. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

OFFICIAL NOTICE – CLAIMS 2-7

To the extent the Examiner intends to take Official Notice of known methods to use email for notification of settlement data (Non-final Office Action mailed July 17, 2007, page 8, lines 2-11), Applicant seasonably requests that the Examiner provide documentary evidence to support the taking of Official Notice as is required by 37 CFR § 1.104(d)(2) and MPEP § 2144.03.

Conclusion

In view of the above amendment and remarks, the pending application is in condition for allowance. If, however, there are any outstanding issues that can be resolved by telephone conference, the Examiner is earnestly encouraged to telephone the undersigned representative.

It is believed that any additional fees due with respect to this paper have already been identified in any transmittal accompanying this paper. However, if any additional fees are

Application No. 09/982,644
Amendment dated November 19, 2007
Reply to Office Action of July 17, 2007

Docket No.: 65316-0007

required in connection with the filing of this paper that are not identified in any accompanying transmittal, permission is given to charge our Deposit Account No. 18-0013, under Order No. 65316-0007 from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. §1.136 is hereby made, the fee for which should also be charged to this Deposit Account.

Dated: November 19, 2007
(the 17th falling on a Saturday)

Respectfully submitted,

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